

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

DEREK BOPREY,

Defendant.

) Criminal No. 1:18-CR-301 (MAD)

)

) **Information**

)

) Violations: 18 U.S.C. § 2252A(a)(2)(A) &
) (b)(1) [Distribution of Child
) Pornography]; 18 U.S.C.
) § 2252A(a)(5)(B) & (b)(2)
) [Possession of Child
) Pornography]

)

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) 3 Counts and Forfeiture Allegation

)

) County of Offense: Albany

THE UNITED STATES ATTORNEY CHARGES:

COUNT 1

[Distribution of Child Pornography]

On March 23, 2018, in Albany County in the Northern District of New York, the defendant, **DEREK BOPREY**, did knowingly distribute and attempt to distribute child pornography using a means and facility of interstate and foreign commerce, shipped and transported in and affecting such commerce by any means, including by computer, in that the defendant sent one or more graphic video and image files depicting a minor and minors engaged in sexually explicit conduct to another person, using the Internet-based messaging application “Wickr Me” on his Samsung Galaxy phone, model G930A, serial number R38H20GSJ6V, in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) and (b)(1) and 2256(8)(A).

COUNTS 2-3
[Possession of Child Pornography]

On March 28, 2018, in Albany County in the Northern District of New York, the defendant, **DEREK BOPREY**, did knowingly possess material that contained one or more images of child pornography that had been shipped and transported using a means and facility of interstate and foreign commerce, and in and affecting such commerce by any means, including by computer, and that was produced using materials that had been transported in and affecting such commerce by any means, including by computer, that is the digital storage devices described below, each of which contained numerous graphic image and video files of one or more minors engaged in sexually explicit conduct:

Count	Material Containing Images of Child Pornography
2	Samsung Galaxy phone, model G930A, serial number R38H20GSJ6V
3	Samsung SSD 840EVO hard drive, model MZ-7TE500, serial number S1DHNSAF538631D

all in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and (b)(1) and 2256(8)(A).

Each of the above violations involved images of child pornography involving prepubescent minors and minors who had not attained 12 years of age, in violation of Title 18, United States Code, Section 2252A(b)(2).

FORFEITURE ALLEGATION

The allegations contained in Counts One through Three of this Information are hereby realleged and incorporated by reference for the purposes of alleging forfeiture, pursuant to Title 18, United States Code, Section 2253.

Pursuant to Title 18, United States Code, Section 2253, upon conviction of an offense in violation of Title 18, United States Code, Sections 2252A(a)(2)(A), (a)(5)(B), (b)(1) and (b)(2) the defendant, **DEREK BOPREY**, shall forfeit to the United States of America:

- a. Any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, 2252 or 2252A, 2252B, or 2260 of this chapter, and any book, magazine, periodical, film, videotape and other matter that contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this chapter;
- b. Any property, real and personal, constituting and traceable to gross profits and other proceeds obtained from such offenses; and
- c. Any property, real and personal, used and intended to be used to commit and to promote the commission of such offenses, and any property traceable to such property.

The property to be forfeited includes, but is not limited to:

- a. A Samsung Galaxy phone, model G930A, serial number R38H20GSJ6V;
- b. A Samsung SSD 840EVO hard drive, model MZ-7TE500, serial number S1DHNSAF538631D;
- c. A Seagate FreeAgent Desk hard drive, serial number 2GEXC7WX; and
- d. A Toshiba hard drive, model MK1234GSX, serial number 761Y2942S8J3E.CA.

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;

- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property that cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b) and by Title 28, United States Code, Section 2461(c).

Dated: November 9, 2018

GRANT C. JAQUITH
United States Attorney

By:



Michael Barnett
Assistant United States Attorney
Bar Roll No. 519140